

Applicants respectfully traverse the restriction requirement based on the following arguments.

The Examiner asserts that the inventions are distinct, each from the other, because the SiC substrate could be treated by another material other than hydrogen etching or the SiC could be deposited rather than epitaxial growth. It should be noted that the present specification discloses, for example, on page 17, lines 15-17, that epitaxial growth is carried out on the SiC single crystal by the chemical vapor deposition (CVD) method. Hence, the Examiner's comment is misplaced. The present invention is based on the discovery that the basal plane dislocation is greatly reduced when the SiC single crystal substrate has a surface roughness Rms in the range of 0.1 to 0.6 nm prior to formation of the SiC epitaxial layer thereon. This surface roughness limitation is present in both the Group I and Group II claims, demonstrating that there is unity of invention between the Groups. It is further submitted that the claims of Groups I and II are so closely related that a search of one Group would necessarily include those of the other. No undue burden would be placed on the Examiner.


The Examiner's reconsideration, withdrawal of the Restriction Requirement and examination of claims 1-9 are respectfully requested.

Applicants hereby reserve the right to prosecute non-elected claims 1-3 by way of a divisional application filed at a later time. Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this Election.

Respectfully submitted,

THE WEBB LAW FIRM

By



Kirk M. Miles
Registration No. 37,891
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-Mail: webblaw@webblaw.com